

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

RICHARD PHILLIPS,)
)
 Plaintiff,)
)
 vs.) CIVIL NO: 1:21-CV-00118
)
 KELLEY CHEVY, LLC,)
)
 Defendant.)

NOTICE OF REMOVAL

Comes now Defendant, Kelley Chevy, LLC, by counsel, pursuant to 28 U.S.C. §1446, and respectfully files its Notice of Removal, removing this cause from the Allen Superior Court to the United States District Court for the Northern District of Indiana, and in support thereof states as follows:

1. On March 8, 2021, an action was commenced against Defendant in the Allen Superior Court, entitled *Richard Phillips v Kelley Chevy, LLC*, Cause No. 02D02-2103-CT-000130, by the filing of a Complaint with said Court.
2. The Complaint, exhibits thereto, and Summons that were received by Defendant are compiled and attached as Exhibit "A".
3. Defendant is uncertain of the exact date on which it was served with Summons and a copy of the Complaint and, as of the date of this filing, a Return of Service has not yet been filed in the state court action.

4. Although Defendant is not aware of the exact date of service, because this action was filed on March 8, 2021, the deadline for Defendant to remove this case to this Court can be no earlier than April 7, 2021.

5. The above-described action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. §1331 and is one which may be removed to this Court by the Defendant pursuant to the provisions of 28 U.S.C. §1441, in that jurisdiction of this action exists in this Court by reason for federal question jurisdiction. More specifically, Plaintiff alleges violations of Title VII of the Civil Rights Act of 1964.

6. The Defendant has filed a Notice of Removal contemporaneously herewith in the Allen Superior Court.

WHEREFORE, Defendant, Kelley Chevy, LLC, by counsel, files its Notice of Removal, removing the action above now pending against it in the Allen Superior Court to this Court forthwith.

Respectfully submitted,

CARSON LLP

By: /s/ Eric M. Blume
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2021, a copy of the foregoing document was filed electronically with the Court and was served via the Court's CM/ECF system on the following parties of record:

Christopher C. Myers
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/s/*Eric M. Blume*